

**NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION LAWSUIT
CONCERNING THE ABATEMENT OF MOLD AND MOISTURE
FROM NYCHA APARTMENTS OF RESIDENTS WHO HAVE ASTHMA**

If you live in a New York City Housing Authority (NYCHA) apartment that has mold and moisture problems, and you or someone in your household has asthma, you should read this notice. It provides information about the settlement of a lawsuit concerning the alleged failure of NYCHA policies and practices for removing mold and excessive moisture to accommodate residents with asthma.

BACKGROUND

In December, 2013, a lawsuit, *Baez v. NYCHA*, 13 CIV. 8916 (WHP), was filed in federal court, claiming that NYCHA fails to make reasonable accommodations and modifications to its policies and practices to effectively abate mold and moisture for its residents with asthma, as required by federal and state law. NYCHA denies any wrongdoing, and the Court has not made any final decisions about the claims in the lawsuit. The parties have agreed to a settlement in the case, which must be approved by the Court.

PROPOSED SETTLEMENT

You can read the proposed settlement on the websites of National Center for Law and Economic Justice and the Natural Resources Defense Council, the legal organizations that represent the plaintiff class. The websites can be accessed at www.ncliej.org and www.nrdc.org.

The basic terms of the settlement are:

1. The individuals that have made the claim will represent a “plaintiff class” that will consist of “Current and future residents of NYCHA who have asthma that substantially limits a major life activity (for example, walking, speaking, breathing, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating) and who have mold and/or excessive moisture in their NYCHA housing.”
2. NYCHA’s mold policy will provide for effective and safe abatement of mold and excessive moisture and the elimination of their underlying causes. When residents provide NYCHA with access to their apartments, NYCHA shall, on average, complete simple repairs for mold and excessive moisture within seven (7) days and more complex repairs within fifteen (15) days (excluding capital improvements). Following repairs, NYCHA shall make a good-faith attempt to contact residents to determine if mold and excessive moisture problems and their underlying problems have been effectively addressed.
3. NYCHA will modify its forms and informational materials related to disabilities and mold to inform residents that asthma may be a disability entitling residents to accommodations in NYCHA policies, practices, and procedures, and that mold and/or excessive moisture may aggravate asthma symptoms. Such accommodations may include the right to install and operate an additional air conditioner if the electrical system permits, transfer to a temporary location during the process to improve the mold/moisture situation, permanent relocation to another NYCHA apartment if the apartment is cannot be lived in due to its condition, and another apartment is available, use of low-toxicity substances to destroy or stop the growth of mold, to, and/or the use of dust control methods during mold removal.
4. NYCHA will periodically report to the plaintiffs’ lawyers information about requests for accommodations, the time it takes NYCHA to respond to complaints and complete work to eliminate mold and moisture, and the effectiveness of work performed.
5. The Court will enforce the settlement for at least 30 months.

RIGHT TO OBJECT

Any class member has the right to object to the proposed settlement as not fair, reasonable and adequate, by appearing and stating his/her objections at the hearing, in person or by counsel. The Court has set a hearing for this purpose on _____, 2014, at _____.m. at the following address:

**Honorable William H. Pauley, United States District Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., Room 20B, New York, NY 10007**

Class members may also object to the settlement by sending a letter marked “Baez Settlement” and postmarked by _____, to the Court at the address listed above.